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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,839	12/21/2001	Robert R. Reed	CS11387	4946

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EXAMINER
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LE, LANA N

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/036,839	REED, ROBERT R.
	Examiner Lana Le	Art Unit 2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM

**THE MAILING DATE OF THIS COMMUNICATION.**

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed

- after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 December 2001.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,5,7 and 10-21 is/are rejected.  
 7) Claim(s) 3,6,8-9 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4-5, 7, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colonna et al (US 6,115,620) in view of Courtecuisse (FR 2,679,086) and further in view of Parsadayan (US 6,317,489).

Regarding claim 1, Colonna et al discloses a wireless communication handset 100 (fig. 3), comprising:

a housing 202; a housing element 204 flipably coupled to the housing; a controller having a first active mode function output when the flip cover is in the first position (col 5, line 65 - col 6, line 2), the controller having a second active mode function output when the cover is in the second position (col 5, lines 25-40).

Colonna fails to disclose further: a rotary encoder having a first encoder portion coupled to the cover and a stationary encoder portion. Parsadayan further discloses a rotary encoder 150 having a first encoder portion coupled to the blade and a stationary encoder portion (col 7, lines 32-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a rotary encoder to Colonna et al in order to quickly change a selected function of the phone by rotating the encoder.

Colonna et al and Parsadayan fails to further disclose: a blade rotatable in a plane.

Courtecuisse further discloses a housing element 28 rotatable in a plane (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element or any rotating blade/cover of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element or other design choices around a pivot point at a wider range of available angles for more access to more functions instead of opening/closing the flip cover at a lower range of available angles.

Regarding claim 2, Colonna et al further discloses the wireless communication handset of claim 1, the wireless communication handset performing a first active mode function in response to the first handset active mode function output of the flip position detector, the wireless communication handset 100 performing a second active mode function in response to the second active mode function output of flip position detector (col 5, line 65 - col 6, line 2) wherein Parsadayan further discloses a rotary encoder 150a (col 7, lines 32-60).

Regarding claim 4, Colonna et al further discloses the wireless communication handset of Claim 1, a processor coupled to the rotary encoder, an audio output device coupled to the processor, a first audio output signal of the processor coupled to the audio output device when the housing element 204 is in the first position, a second audio output signal of the processor coupled to the audio output device when the housing element 204 is in the second position (col 5, lines 52 – col 6, line 11).

Regarding claim 5, Colonna et al further discloses the wireless communication handset of claim 1, a processor coupled to the rotary encoder, a tactile output device

coupled to the processor, a first tactile output signal of the processor coupled to the tactile output device when the housing element 204 is in the first position, a second tactile output signal of the processor coupled to the tactile output device when the housing element 204 is in the second position (col 6, lines 30-33).

Regarding claim 7, Colonna et al further discloses the wireless communication handset of Claim 1, the blade rotatable through an angular range, the first and second blade positions separated by an angle within the angular range (col 5, lines 41-51).

Regarding claim 13, Colonna et al further discloses the handset of Claim 10, the housing element sensor 112 having a standby mode electrical output when the first and second housing portions are in the standby angular configuration (col 6, lines 34-44), the housing element sensor 112 having a call mode electrical output when the first and second housing portions are in the call angular configuration (col 3, line 61 - col 4, line 5), the housing element sensor 112 having a first function electrical output when the first and second housing portions are in the first function angular configuration (col 5, line 65 - col 6, line 2).

However, Colonna et al fails to further disclose: a rotary encoder having a first encoder portion coupled to the first housing portion and a second encoder portion coupled to the second housing portion (col 7, lines 32-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a rotary encoder in Colonna et al to mark an indicator what position the housing element is in and correspond it to a function of the radiophone.

Regarding claim 14, Colonna et al further discloses the wireless communication device of Claim 13, a processor 106, the standby mode electrical output of the position sensor coupled to the processor when the first and second housing portions are in the standby angular configuration (col 6, lines 34-44), the call mode electrical output of the rotary encoder coupled to the processor when the first and second housing portions are in the call angular configuration (col 3, line 61 - col 4, line 5), the first function electrical output of the position sensor coupled to the processor when the first and second housing portions are in the first function angular configuration (col 3, line 61 - col 4, line 5).

Regarding claim 15, Colonna et al discloses a wireless communication device operable in active and standby modes (col 3, lines 23-31), comprising:

a housing 202;  
a flipable member 204 flipably coupled to the housing 202;  
the cover detection sensor 112 senses a first active mode function output when the flipable member is positioned in a first position relative to the housing and the wireless communication device is not in the standby mode (col 3, line 60 - col 4, line 28)  
the detection sensor 112 senses a second active mode function output when the flipable member is positioned in a second position relative to the housing and the wireless communication device is not in the standby mode (col 5, line 25 - col 6, line 2).

Colonna didn't further disclose:

a rotary encoder having a first encoder portion coupled to the rotatable member and a stationary encoder portion. Parsadayan further discloses a rotary encoder 150 having a

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first encoder portion coupled to the blade and a stationary encoder portion (col 7, lines 32-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a rotary encoder to Colonna et al in order to quickly change to a selected function of the phone by rotating the encoder.

Colonna et al and Parsadayan fails to further disclose: a rotatable member rotatably coupled to the housing. Courtecuisse further discloses a rotatable member rotatably coupled to the housing (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element at a wider range of available angles for more access to more functions instead of opening/closing the flip cover at a lower range of available angles.

Regarding claim 16, Colonna et al further discloses the device of Claim 15, a processor 106, the first active mode function output of the position sensor 112 coupled to the processor 106 when the flipable member is in the first position (col 3, line 60 – col 4, line 5), the second active mode function output of the detection sensor coupled to the processor when the flipable member is in the second position (col 5, lines 25-40); wherein Parsadayan further discloses a rotary encoder 150 (col 7, lines 32-60) and Courtecuisse further discloses a rotatable member 128 (fig. 3).

Regarding claim 17, Colonna et al further discloses the device of Claim 15, the flipable member position alignment members disposed on the flipable member and the

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housing portion 202 wherein Courtecuisse further discloses a rotatable member 128 (fig. 3).

2. Claims 10-12, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colonna et al (US 6,115,620) in view of Courtecuisse (FR 2,679,086).

Regarding claim 10, Colonna et al discloses a wireless communication handset, comprising: first and second rotatably coupled housing portions 204 and 202.; the wireless communication handset in a standby mode when the first and second housing portions are rotated to a standby angular configuration, the wireless communication handset in a call mode when the first and second housing portions are rotated from the standby angular configuration to a call angular configuration, the wireless communication handset performing a first function when the first and second housing portions are rotated to a first function angular configuration between the standby and call angular configurations.

Colonna et al fails to further disclose: the first and second housing portions rotatable in corresponding first and second substantially parallel planes. Courtecuisse further disclose the first and second housing portions rotatable in corresponding first and second substantially parallel planes (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element of Courtecuisse in order to gain access to more functions by circularizing around a wider range of angles of 0 to 360 instead of just 180 degrees.

Regarding claim 11, Colonna et al further discloses the wireless communication handset of Claim 10, the wireless communication handset performing a second active mode function when the first and second housing portions are rotated to a second angular configuration between the standby call angular configurations (col 5, lines 25-31).

Regarding claim 12, Colonna et al further discloses the wireless communication handset of Claim 10, the first and second housing portions are at least partially overlapping in the standby angular configuration, the first and second housing portions are separated by approximately 180 degrees when the first and second housing portions are in the call angular configuration (col 4, lines 5-15).

Regarding claim 18, Colonna et al discloses a method in a communication handset 100 having a housing element 204 flipably coupled to a housing 202 (fig. 3), comprising:

transitioning the communication handset from a stand-by operating mode to an active operating mode by flipping the cover relative to the housing 202 from a standby mode position to a first active mode (private) position (col 3, line 60 – col 4, line 5; col 6, lines 35-44);

invoking a first function of the communication handset by flipping the cover to a position different than the active mode and standby mode positions (col 5, line 25-41);

transitioning the communication handset to the stand-by mode to the standby mode position from some other position (col 4, lines 15-28, col 6, lines 35-44).

Colonna et al didn't further disclose a blade rotatably in a plane relative to the housing. Courtecuisse further discloses a housing element 28 rotatable in a plane (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element or any rotating blade/cover of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element or other design choices around a pivot point at a wider range of available angles for more access to more functions instead of opening/closing the flip cover at a lower range of available angles.

Regarding claim 19, Colonna et al further discloses the method of Claim 18, invoking a second function of the communication handset by flipping the housing element 204 to a second position (col 5, lines 25-41) wherein Courtecuisse further discloses a rotating housing element 28 (fig. 3).

Regarding claim 20, Colonna et al further discloses the method of Claim 19, indicating the position of the housing element relative to the housing by providing a physical sensation when the blade/housing element 204 is in the respective positions (col 6, lines 30-33).

Regarding claim 21, Colonna et al discloses a wireless communication handset 100, comprising:  
first and second flipably coupled housing portions 202 and 204, the first and second housing portions flipable in corresponding first and second substantially parallel planes (in 180 degrees angle);

the wireless communication handset in a first operating mode when the first and second housing portions are moved to a first angular configuration (col 3, lines 60 –col 4, line 5), the wireless communication handset in a second operating mode when the first and second housing portions are moved to a second angular configuration (col 5, line 25-41), the wireless communication handset in a third operating mode when the first and second housing portions are rotated to a third angular configuration (col 6, lines 35-44). Colonna et al didn't further disclose a first and second rotatably coupled housing portions. Courtecuisse further discloses a first and second rotatably coupled housing portions (fig. 3; page 4, lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the flip cover of Colonna et al with the rotating housing element or any rotating housing portions of Courtecuisse in order to allow the user to switch mode functions by circularizing the housing element or other design choices around a pivot point at a wider range of available angles for more access to more phone function sets instead of opening/closing the flip cover at a lower range of available angles.

#### **Allowable Subject Matter**

3. Claims 3, 6, 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the cited prior art fails to further disclose a wireless communication handset of claim 2, the first active mode function of the wireless communication handset is a flash function; the second function of the wireless communication handset is a mute function.

Regarding claim 6, the cited prior art fails to further disclose the wireless communication handset of Claim 1, first and second blade position indexing members disposed on the housing in alignment with the first and second positions of the blade.

Regarding claim 8, Colonna et al further discloses the device of Claim 1, the rotary encoder having a third active mode function output when the blade is in a third position, the rotary encoder having a standby function output when the blade is in a third position, the wireless communication handset performing a third active mode function in response to the third handset function output of the rotary encoder, the wireless communication handset operating in stand-by mode in response to the third handset function output of the rotary encoder.

However, the cited prior art fails to disclose further:  
the rotary encoder having a standby function output when the blade is in a fourth position, the wireless communication handset operating in stand-by mode in response to the fourth handset function output of the rotary encoder.

Regarding claim 9, the cited prior art fails to further discloses the device of claim 8, the blade substantially overlapping the housing in the fourth position, the blade rotated approximately 180 degrees between the fourth and first positions, the third

position of the blade between the first and fourth positions, the second position of the blade between the fourth and first positions substantially opposite the third position.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on (703) 308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Lana Le

March 9, 2003

PRIMARY EXAMINER  
THANH CONG LE

THANH CONG LE  
PRIMARY EXAMINER

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